

**TOWN COUNCIL MEETING  
Ft. Myers Beach, Fla. 33931  
Council Chambers – Town Hall  
May 15, 2006**

**I. CALL TO ORDER**

A. Mayor Boback called the meeting to order at 6:30 p.m.

**Members Present:** Mayor Dennis Boback, Vice Mayor Don Massucco, Councilman Garr Reynolds, Councilman Bill Shenko, Jr., Councilman Charles Meador, Jr.

**II. PLEDGE OF ALLEGIANCE**

A. Pledge was led by Mayor Boback

**III. INVOCATION**

A. Invocation was given by Rev. Nadine Cotton, New Church of SWFla.

**IV. PUBLIC COMMENT**

None.

**V. CONSENT AGENDA**

A. Safe Boating Week Proclamation was read by Town Attorney.

B. Mr. Shenko moved to give out the Proclamation and Mr. Reynolds seconded it.

C. Motion carried unanimously.

D. United State Power Squadron accepted the Proclamation.

**VI. ADMINISTRATIVE AGENDA**

A. Martin Redovan from Schultz Chaipel spoke to the draft report of the 2005 audit. Financial statements given out this night provide a very comprehensive document. Councilmembers deferred their questions as to specifics to the upcoming May 31<sup>st</sup> workshop.

B. Public comment opened and closed with no one participating.

C. Organizational Structure of Town Hall and Assigned Responsibilities

1. Rachel Lambert gave this report.

2. Organizational chart on the PowerPoint presentation.

3. Jack Green gave the Public Works report.
4. Jerry Murphy introduced his staff.
5. Michelle Mayher is doing the televising.

D. Emergency Ordinance 06-12

1. Read by Town Attorney
2. Councilman Meador moved that the Council move the Emergency Ordinance forward. Councilman Shenko seconded. This is the first reading of the Ordinance. Some discussion followed.  
Motion passed unanimously.

E. Lot Mowing and Nuisance Ordinance 06-13

Motion by Councilman Shenko and seconded by Councilman Meador.  
Motion passed unanimously.

F. Code Enforcement Regarding Jimmy B's

1. Councilman Shenko stated that activities have not changed. He made a motion to enforce the codes in existence, and have the place closed down. Councilman Reynolds seconded. Town Attorney determined that the use of Jimmy B's was attached to Days Inn in 1995 and since Days Inn is closed, Jimmy B's is not attached to anything. Vice Mayor Massucco does not want to close them down until the Council meets with Dave Meyers, at which time he hopes to obtain a true picture.

**Public Comment**

Sandi Suter spoke against Jimmy B's  
Ken (last name indistinguishable) questioned re Jimmy B's serving upstairs and then go downstairs to sit at these tables to drink.

**Close Public Comment**

The workshop with Dave Meyers is scheduled for June 13, 2006.

**Vote:** Motion passed 3-2, with Vice Mayor Massucco and Councilman Meador dissenting.

G. Applicant for Marine Resources Task Force

1. Council voted for a choice of three out of four applicants.
2. Henry Gore, Phil Freeman were chosen.

## **V. COUNCIL MEMBER ITEMS AND REPORTS**

Councilman Reynolds thanked Mayor Boback for his remarks at the Chamber Luncheon last week.

Vice Mayor praised the experience of ribbon cutting to the Preserve.

Councilman Shenko attended a conference for Fla. Bar for Cities and was very impressed with the information.

### **A. Councilman Meador's Proposal for Length of Council Meetings**

Not ready for presentation tonight.

1. We have received a letter from Chapel by the Sea

### **B. August 10 is a possibility to meet with the Commissioners.**

## **VII. TOWN MANAGER'S ITEMS**

A. Request to appoint Michelle Mayher as Town Clerk. Council agreed by consensus.

B. We need another workshop for Public Works. Decided to do this on June 12 at 3:00 p.m.

### **C. Orientation for all committees is May 17.**

D. Request to close Town Hall on the 26<sup>th</sup> of May and give the staff a long holiday. Council agreed by consensus.

## **VIII. TOWN ATTORNEY'S ITEMS**

A. Had orientation meeting for LPA last week and it went very well.

B. FPO has accepted responsibility for the loss of a transformer.

C. Salty Sam's – met with Mr. Hanson, his son, Matt, and his attorney, Doug Szabo. Town would pay all invoices from Sept. 2005 to the end of January 2006 and that has been done. Town would conduct an audit, which is permitted under the Harborage agreement. I have gotten bids from several marine auditors and we are looking at them now. Salty Sam's would continue to operate the mooring fields during the period of this. Payments for Feb 1<sup>st</sup> on would depend on the outcome of the audit.

D. ADA Litigation has selected a mediator and they are moving along as soon as the plaintiff information has been shared. Mr. Knowlman is well regarded as a mediator.

E. UTELCO litigation – as expected, they have filed several motions post trial, they have filed a motion for new trial, another motion to set aside the amount of money that was awarded the Town.

F. Curfew – ongoing discussions with the Sheriff.

- G. Chapel by the Sea – have been in contact with the Public Health doctors, and they have determined that they do regulate the food processes.
1. Councilman Shenko wants a workshop with Chapel, but Councilman Meador wants to include all of the Ministerial Association.
  2. Workshop scheduled on Thursday, June 8, at 4:00 p.m.

**IX. FINAL PUBLIC COMMENT**

Sandy Suter said that she wants a noise committee.

- X. **ADJOURNMENT** Motion made to adjourn by Mr. Meador and seconded by Vice Mayor Massucco. Meeting was adjourned at 8:25

Respectfully submitted,

Jean F. Matthew